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Patent

Attorney Docket No. 021565-075



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Frank Meulewaeter et al.

Application No.: 09/551,494

Filing Date: April 18, 2000

Title: METHODS AND MEANS FOR DELIVERING INHIBITORY RNA TO PLANTS AND APPLICATIONS THEREOF

Group Art Unit: 1635

Examiner: Tracy Ann VIVLEMORE

Confirmation No.: 2755

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

_____ on _____,
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					\$ 0.00
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.


Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
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Date: October 7, 2004

By


Malcolm K. McGowan, Ph.D.
Registration No. 39,300



Patent
Attorney's Docket No. 021565-075

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In re Patent Application of)	
Frank Meulewaeter <i>et al.</i>)	Group Art Unit: 1635
Application No.: 09/551,494)	Examiner: Tracy Ann VIVLEMORE
Filed: April 18, 2000)	Confirmation No.: 2755
For: Methods and Means for Delivering)	
Inhibitory RNA to Plants and)	
Applications Thereof)	

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action mailed September 7, 2004, and in supplemental response to the restriction requirement mailed January 13, 2004, Applicants hereby elect, solely for the purpose of expediting prosecution, the claims of informal Group II (Claims 54 and 58) and SEQ ID NO:5, referenced therein.


Applicants previously traversed the restriction requirement, arguing that the recited RNA sequences were within the scope of generic Claim 32, the origin of assembly of tobacco mosaic virus, and thus not burdensome to search.

In the event that there are any questions relating to this Supplemental Response, or the application generally, the Examiner is respectfully requested to telephone the undersigned attorney so that prosecution of this application may be expedited.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 7, 2004

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